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EXAMINER

MACCHIAROLO, PETER J

ART UNIT PAPER NUMBER

2875

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,324

Applicant(s)

ALDERMAN ET AL.

Examiner

Peter J Macchiarolo

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.

- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-8, 11-12, 17-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 1-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 02 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. The reply filed on April 2, 2003 consists of changes to the specification, the drawings, and the claims, and further, the reply consists of remarks related to the prior rejection of claims in the First Office Action. However, claims 1-20 are not allowable as explained below.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on April 2, 2003 have been approved.

Specification

3. The amendments to the Specification and Claims filed on April 2, 2003 have been entered and considered.

Claim Objections

4. Claims 1-20 are objected to because of the following informalities:
5. The claims have multiple minor grammatical and typographical errors that need addressed. For example, line 17 of claim 1 recites, "the said frame wire." The Examiner is interpreting this limitation as, "said curved frame wire."
6. The claim structure used by Applicant does not conform to standard U.S. practice, and is difficult to interpret. Specifically, the claims do not clearly contain a preamble, a transitional word, or a main body. The multiple occurrences of the words "comprising" and "consisting"

further inhibit proper comprehension of claim 9. See MPEP §608.01(m). The Examiner recommends the following claim structure:

[Preamble] [transitional word]:

[limitation X];

[limitation Y]; and

[limitation Z].

7. Claims 10-12, 16, 18, and 20 recite the term "field wire." There is lack of antecedent basis for this limitation. The Examiner is interpreting this limitation as "said curved frame wire."
8. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-3, 5, 7-8, 11-12, 17-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Shippee et al (USPN 6,326,721; "Shippee").
10. In regards to claims 1 and 17, Shippee discloses in figures 2 and 3, an outer bulb (20) enclosing a ceramic discharge vessel (30) enclosing a discharge space, wherein the cylindrical ceramic discharge vessel includes an ionizable material which is a metal halide, a first (16) and a

second (17) discharge electrode feedthrough means, and a first (18) and a second (19) current conductor connected to the first and second discharge electrode feedthrough means respectively, the lamp having a single substantially curved frame wire (40) supporting the ceramic discharge vessel and connected to one of said current conductors (18), and extending between the ceramic discharge vessel and the glass bulb. Shippee further discloses that the curved frame wire is curved away from the ceramic discharge vessel and toward the glass bulb at least in a center portion adjacent a center portion of the ceramic discharge vessel whereby the center portion of the curved wire frame and the center portion of the ceramic discharge vessel are separated by a distance D (not labeled), D. The Examiner notes that the claim limitation:

...effective to reduce arc bending when compared to a discharge lamp wherein the frame wire extends substantially parallel to said glass bulb and a center portion of the frame wire adjacent a center portion of the ceramic discharge vessel is separated by a distance D1 that is less than said distance D.

is a functional limitation, which is not afforded any patentable weight. Shippee's wire structure inherently possesses the recited function.

11. In regards to claims 2-3 and 5, Shippee discloses all of the recited limitations of claim 1 (above).

Shippee further discloses in figure 2, the ceramic discharge vessel is a substantially cylindrical arc tube and the curved frame wire extends outwardly from the arc tube at a distance whereby the maximum distance D between the center portion of the arc tube and the center portion of the curved frame wire is at least twice the distance D1 from the center portion of the arc tube to the center portion of the curved wire in a discharge lamp wherein the frame wire

extends substantially parallel to the arc tube. Shippee further teaches in figure 2, the frame wire is a curved frame wire that extends adjacent to and substantially follows the contour of the glass bulb. The Examiner notes that the limitation in claim 5,

...and in which the heat impact of the arc tube on the lamp components does not effectively reduce the lamp life.

is a functional limitation, which is not afforded any patentable weight. Shippee's wire structure inherently possesses the recited function.

12. In regards to claims 7 and 8, Shippee discloses all of the recited limitations of claim 2 (above).
13. Shippee further discloses in figure 2, and column 2 lines 33-39, that the aspect ratio of the arc tube is about 3.3-6.2, with the distance between two electrodes ranging from 10mm to 60mm.
14. In regards to claims 11-12, 18, and 20 Shippee discloses all of the recited limitations of claims 1 and 17 (above).
15. Shippee further discloses in column 2 lines 23-32, that the curved frame wire is formed from stainless steel and follows the contours of the glass bulb.
16. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Response to Arguments

17. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

18. Claim 9 would be allowable if rewritten or amended to overcome the objections set forth in this Office Action.

19. The prior art of record discloses and motivates a discharge lamp according to all of the limitations of claim 9, with the exception of a distance between a curved frame wire and a ceramic discharge vessel being at least 10mm.

20. Claims 10, and 15-16 depend from claim 9 and would also be allowable if re-written to overcome the objections set forth in this Office Action.

21. Claims 4, 6, 13-14, and 19 are objected to, as seen above, and are further objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

22. Shippee fails to disclose or motivate a lamp as claimed in claims 1 or 17, and further comprising a conductive antenna coil being wound around the ceramic discharge vessel.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

24. The Examiner notes that since the claims are written so broadly, U.S. Patent 3,996,487 to Hoeh, which discloses a HID lamp with a curved wire frame, can be interpreted to anticipate Claims 1-3, 7-8, and 17-18. However, Hoeh is not relied upon in this Office Action.


25. U.S. Patent 4,491,766 to Larson teaches a lamp as claimed in claims 1 or 17 comprising a conductive antenna coil being wound around the ceramic discharge vessel. However, since the primary reference in this Office Action, Shippee, has a common assignee with the instant application, and constitutes as prior art under 35 U.S.C. 102(e), a 35 U.S.C. 103(a) type rejection of claims 13, 14, and 19, which recites a conductive antenna coil being wound around the ceramic discharge vessel, cannot be made in this Office Action. Therefore, Larson is not relied upon in this Office Action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (703) 305-7198. The examiner can normally be reached on 7:30 - 4:30, M-F.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

28. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

pjm
May 13, 2003


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800